

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are pending in this case. Claims 9 and 16 have been amended by the present Amendment. Claims 17-19 are new. Amended and new Claims 9 and 16-20 are supported by page 4, lines 12-13, page 5, lines 13-20, and page 9, lines 2-6 of the specification. No new matter has been added.

In the outstanding Office Action, the drawings were objected to because of informalities; Claims 9 and 6 were rejected under 35 U.S.C. § 112, second paragraph as indefinite; Claims 1-7 were rejected under 35 U.S.C. § 102(b) as anticipated by Robins et al. (U.S. Patent No. 6,430,184, hereinafter “Robins”); Claims 12 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins; and Claims 8-11, 13, 15, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins.

Applicant acknowledges with appreciation the telephone discussion with Examiner Chu on June 7, 2007, at which time the drawing objections were discussed as summarized below.

In response to the objection to the drawings, Applicant has amended the drawings in accordance with the suggestions set forth in the outstanding Office Action and the telephone discussion with the Examiner on June 7, 2007. Specifically, Figures 1, 2, 3, and 7 have been amended to include the legend “Prior Art.” Further, Figure 5 has been amended to include labels within the various components shown in Figure 5. Accordingly, Applicant respectfully requests the objection to the drawings be withdrawn.

In response to the rejection of Claims 9 and 16 under 35 U.S.C. § 112, second paragraph, Applicant amends Claims 9 and 16 by changing the phrase “about equal” to recite “approximately equal.” In addition, these claims have been amended to recite that the total

time duration is than 100 ms and that the message transmitting time is negligible compared to the packeting time. Thus, Applicant respectfully submits that Claims 9 and 16 as amended are not vague and indefinite. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejection of Claims 1-7 under 35 U.S.C. § 102(b) as anticipated by Robins, Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

Independent Claim 1 is directed to:

A process for transmitting asynchronous data packets, comprising the steps of:
starting a packeting operation of asynchronous data;
receiving a message from a message composition module;
interrupting said packeting operation based on said message;
transmitting a packet of asynchronous data formed during said packeting operation prior to said interrupting step;
and
repeating said steps of starting, receiving said message, interrupting, and transmitting thereby transmitting a plurality of packets.

Turning now to the applied reference, Robins describes a process and system for switching connections of data packet flows between nodes of data processing system networks operating on diverse protocols according to application layer information on the data packets. However, Robins fails to teach or suggest “receiving a *message* from a *message composition module*,” as in Applicant’s independent Claim 1.

Page 4 of the outstanding Office Action contends that column 8, line 32 of Robins describes “receiving a message from a message composition module.” However, this cited portion of Robins states that “in operation 351, a packet is received at an MII [Media Independent Interface] and is split at operation 352 into cells by MOM 10 or 20....” (emphasis added). A MII (media independent interface), as shown in Figures 1 and 2 of

Robins, is not a message composition module but rather is a “MII interface 65 providing eight duplexed Ethernet ports.”¹ Thus, as described at column 7, lines 62-66 of Robins, the MII is merely a link that transmits information, it does not *construct a message*. Thus, the interface is not a “message composition module,” as in Applicant’s independent Claim 1. In addition, the cited portion of Robins states that “in operation 351, a packet is received....” However, a packet is not a message. As described in Applicant’s specification at page 2 lines 24-25, a message is made up of successive packets in a predefined order.

Thus, Applicant respectfully submits independent Claim 1 patentably defines over Robins. Claims 2-7 are dependent on independent Claim 1 and thus are believed to be patentable for at least the reasons discussed above. Accordingly, Applicant respectfully requests the rejection of Claims 1-7 under 35 U.S.C. § 102(b) be withdrawn.

In response to the rejections under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection as discussed next.

Independent Claim 12 is directed to:

A process for transmitting a packet of asynchronous data, comprising the steps of:
 packeting said asynchronous data into a packet during a packeting time;
 requesting said packet;
 stopping said packeting;
 composing a message comprising said packet; and
 transmitting said message during a message transmitting time,
 wherein said step of requesting is performed so that said packeting time is greater than said message transmitting time.

The outstanding Office Action at page 7 states that “Robins et al. discloses all the subject matter with the exception of packeting time (TP) and transmission time (TMS) TP > TMS. Robins et al. discloses a cut-through mode of operation in which packeting is ended

¹ See Robins at column 5, line 66, to column 6, line 2.

and data transmitted before the complete packet is realized, such that portions of a packet may be transmitted while other portions are still being received. In this mode, the time for packeting (TP) equals the maximum delay allowable for transmitting of data (TT), thereby meeting the limitations of the claim.” However, Robins only states that the “system of link management allows ‘cut-through,’ that is, the transmission portions of a packet while other portions [of the packet] are still being received.”² Thus, Robins fails to teach or suggest that “said step of requesting is performed so that said *packeting time is greater than said message transmitting time*,” as in Applicant’s independent Claim 12.

The cited portion of Robins in no way suggests that the packeting time is greater than the message transmitting time. In fact, the cite portion of Robins does not describe the time of packeting a message vis-à-vis the time of transmitting a message at all. Robins only describes that incomplete packets are sent, there is no indication that the packeting time of packeting incomplete packets is greater than the message transmitting time associated with transmitting portions of packets. Thus, Applicant respectfully submits that independent Claim 12 and all claims depending therefrom are patentable.

Accordingly, Applicant respectfully requests the rejections of Claims 8-16 under 35 U.S.C. § 103(a) be withdrawn.

In order to vary the scope of protection recited in the claims, new Claims 17-19 are added. New Claims 17-19 find non-limiting support in the disclosure as originally filed, for example at page 4, lines 12-13, page 5, lines 13-20, and page 9, lines 2-6 of the specification.

Therefore, the changes to the claims are not believed to raise a question of new matter.

² See Robins at column 17, lines 43-45.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Derek P. Benke
Registration No. 56,944

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

PCJS/DPB:law

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1, 2, 3, 5, and 7. These sheets, which include Figs. 1-8, replace the original sheets including Figs. 1-8.

Attachment: Replacement Sheets (3)